

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL SEATON,

Plaintiff,

v.

MISTER P EXPRESS, INC.

and JOSEPH J. METTEN,

Defendants.

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NO. 2:22-cv-1279

JURY TRIAL DEMANDED

**NOTICE OF REMOVAL**

AND NOW, come the Defendants, MISTER P EXPRESS, INC. and JOSEPH J. METTEN, by and through their undersigned counsel, John T. Pion, Esquire, Brian L. Shepard, Esquire, and the law firm of Pion, Nerone, Girman, Winslow & Smith P.C., and remove the above-captioned lawsuit pursuant to 28 U.S.C. §1441, *et seq.* from the Court of Common Pleas of Allegheny County, Pennsylvania (No. GD 22-009997), to the United States District Court for the Western District of Pennsylvania, and in support thereof aver as follows:

1. Plaintiff initiated this lawsuit in the Court of Common Pleas of Allegheny County, Pennsylvania (No. GD 22-009997), by the filing of a Complaint on August 12, 2022. (Copies of the docket and all pleadings and process filed in the State Court action are attached hereto as Exhibit "A").

2. The Complaint names as Defendants Mister P Express, Inc. and Joseph J. Metten, and alleges that, on or about July 8, 2022, Defendant Joseph J. Metten was negligent in his operation of a motor vehicle, while acting in the course and scope of his employment for Mister P Express, Inc., and thereby caused a motor vehicle accident occurring within Westmoreland County, Pennsylvania, and which allegedly caused personal injuries to Plaintiff, for which Plaintiff seeks damages.

3. Pursuant to Paragraph No. 1 of Plaintiff's Complaint, Plaintiff Michael Seaton, an individual, is a resident and citizen of the State of Illinois.

4. Pursuant to Paragraph No. 2 of Plaintiff's Complaint, Defendant Joseph P. Metten, an individual, is a citizen and resident of the Commonwealth of Kentucky.

5. Pursuant to Paragraph No. 3 of Plaintiff's Complaint, Defendant Mister P Express, Inc. is a business entity which has its principal place of business located in the State of Indiana.

6. Moreover, Defendant Mister P Express, Inc., is an Indiana Corporation.

7. Accordingly, Defendant Mister P Express, Inc., is a citizen of the State of Indiana.

8. Accordingly, there is complete diversity of citizenship as the instant action is between citizens of different states, thereby invoking the jurisdiction of this Court under 28 U.S.C. §1332(a)(1), so long as the amount in controversy requirement is met.

9. In this regard, according to Plaintiff's Complaint, in the motor vehicle accident that is the subject of this dispute, Plaintiff, Michael Seaton, alleges he has "suffered severe and permanent injuries".

10. Moreover, upon inquiry from counsel for Defendants, Plaintiff has advised he is unwilling to stipulate to damages below the federal jurisdictional amount.

11. Accordingly, Defendants contend the amount in controversy requirements of 28 U.S.C. §1332(a) is satisfied, thereby vesting jurisdiction in this Court and rendering removal proper, pursuant to 28 U.S.C. §1446.

12. The above-entitled action, initiated in the Court of Common Pleas of Allegheny County, Pennsylvania, and arising from a motor vehicle incident that occurred in Westmoreland County, Pennsylvania, is within the territorial jurisdiction of the United States District Court for the Western District of Pennsylvania, and the Pittsburgh Division thereof. LCvR 3.

13. Pursuant to the provisions of 28 U.S.C. §1446 (b)(2)(A) all Defendants in this action are represented by the undersigned counsel and herein join in the removal of this action.

14. Concurrent with the filing of this Notice of Removal, Defendants have filed a Notice of Filing of Notice of Removal with the Prothonotary of the Court of Common Pleas of Allegheny County, Pennsylvania advising that they have removed this action to the United States District Court for the Western District of Pennsylvania.

15. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may have or may hereinafter assert in this action.

WHEREFORE, Defendants pray that this Honorable Court remove the above-captioned case from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, Pittsburgh Division.

**JURY TRIAL DEMANDED**

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

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Counsel for Defendants

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Notice of Removal was filed on September 7, 2022, with the Clerk using the CM/ECF system, which will send notification of such filing to the following:

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